

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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| ANSON CHI, |) | |
| Plaintiff, |) | |
| |) | C.A. No. 22- 4 Erie |
| v. |) | |
| |) | District Judge Susan Paradise Baxter |
| UNITED STATES OF AMERICA, |) | Magistrate Judge Richard A. Lanzillo |
| Defendant. |) | |

MEMORANDUM ORDER

Plaintiff Anson Chi, an inmate incarcerated at the Federal Correction Institution at McKean in Bradford, Pennsylvania (“FCI-McKean”) initiated this civil rights action on January 4, 2022, by filing a motion to proceed *in forma pauperis* (“ifp motion”), accompanied by a *pro se* complaint against Defendant United States of America. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On March 11, 2022, Judge Lanzillo issued an Order granting Plaintiff’s ifp motion and requiring Plaintiff to sign and return a completed Authorization form by March 31, 2022, which form authorizes the custodian of Plaintiff’s inmate account to pay the filing fee in installments [ECF No. 5]. After Plaintiff failed to return the signed Authorization form, Judge Lanzillo issued an Order on June 6, 2022, requiring Plaintiff to show cause on or before June 27, 2022, for his failure to return the form [ECF No. 7]. In response to this Order, on August 8, 2022, Plaintiff filed another ifp motion seeking leave to proceed with the action without returning a signed

Authorization form [ECF No. 8]. Judge Lanzillo denied this motion by Order dated August 18, 2022, and required Plaintiff to either pay the full filing fee or return the signed Authorization form by September 18, 2022 [ECF No. 9]. Once again, Plaintiff failed to comply.

So, on November 14, 2022, Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending dismissal of this action due to Plaintiff’s failure to prosecute [ECF No. 10]. Plaintiff filed objections to the R&R on December 5, 2022, asserting that Judge Lanzillo’s requirement to file a signed Authorization form (i) violates his First Amendment right to freedom of speech and freedom to petition the government for a redress of grievances; (ii) disregards Defendant’s failure to file an answer to the complaint; and (iii) would preempt Plaintiff’s ability to bring meritorious claims. [ECF No. 11]. All of these objections are unfounded.

First, a signed Authorization form is a necessary component of proceeding *in forma pauperis*, particularly by an inmate, as it ensures payment of the filing fee that is required by the Court in every civil action. Plaintiff is not excepted from this requirement and cannot simply disregard multiple Orders of the Court because he believes the requirement is unjustified. Second, contrary to Plaintiff’s assertion, Defendant has not been required to file an answer to the complaint because it has never been served with the complaint by the United States Marshal, nor has a service order even been entered in this case due to Plaintiff’s failure to comply with the Court’s orders. Third, the fact that Plaintiff’s claims may have some merit is only one of six factors considered by the Court under Poulis v. State Farm Fire and Cas. Co., 747 F.2d 863 (3d Cir. 1984); the other five warrant dismissal of this case for failure to prosecute.

Thus, after *de novo* review of the complaint and documents in this case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 13th day of January, 2023;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Lanzillo, issued November 14, 2022 [ECF No. 10], is adopted as the opinion of the court. The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

all parties of record